

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Docket No. 15001US01**

In the Application of:

Darwin Rambo

Serial No.: 10/620,048

Filed: July 15, 2003

For: AUDIO-VIDEO CONFERENCING  
SYSTEM

Examiner: Gerald A. Smarth

Group Art Unit: 2146

Conf. No.: 7642

*Electronically Filed on May 23, 2008*

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir / Madam:

This Pre-Appeal Brief Request for Review is being submitted in response to the Advisory Action mailed on May 2, 2008. The Advisory Action mailed on May 2, 2008 supersedes the Advisory Action mailed previously on April 3, 2008. The Pre-Appeal Brief is being filed with a Notice of Appeal. The Notice of Appeal is filed in response to the final Office Action mailed on November 27, 2007, with a period of reply that expires on June 2, 2008, when accompanied by a Petition for one month extension of time.

**REMARKS / ARGUMENTS**

**GENERAL COMMENTS**

Applicant believes that the prior art (i.e., Ludwig, Pat. # 5,758,079) cited by the Office Actions does not teach what is recited in the pending claims. Applicant respectfully submits that the Office Actions have not shown a teaching of what is recited in the pending claims. Rather, the Examiner has provided his unsupported interpretation and/or characterization of what is disclosed in Ludwig, in an attempt to show a teaching of what is recited in the pending claims.

Furthermore, the Applicant believes that the Examiner had brought up new ground of rejections for Claims 7, 11, and 20, as presented in pages 11-13 of the Office Action (dated November 27, 2007), since the Applicant did not make any amendments to the claims in the

previous response. As a consequence, the Applicant believes that the final office action mailed on November 27, 2007 should be changed to a non-final office action.

### **RESPONSE TO ADVISORY ACTION**

In the Advisory Action mailed on May 2, 2008, the Examiner stated:

Application fails to over come prior art rejection of the Final Office Action. Applicant argues [sic] selecting participant identifiers into one side conference call identifiers [sic] is not taught by prior art. Applicant also argues identifiers is not taught by prior art as well. Examiner respectfully [sic] disagrees and views the way the claims are written are being anticipated by prior art Ludwig as described in Final Office Action.

In the Advisory Action, the Examiner still believes that Ludwig teaches what is recited in the pending claims. Therefore, the Applicant requests consideration of the following arguments with respect to the pending independent claims.

### **Independent Claim 7**

Claim 7 recites “A method of configuring side conference calls comprising: selecting one or more participant identifiers from at least one existing conference call; and positioning said selected participant identifiers into at least one side conference call identifier.”

The Applicant believes that the argument for Claim 7 presented in the first response (dated August 31, 2007) had overcome the rejection to Claim 7. Consequently, the Examiner had brought up a new ground of rejection by presenting a new argument, as found on page 11 of the second Office Action dated November 27, 2007. As the Applicant had shown in the second response dated January 28, 2008, the second Office Action’s reference to Ludwig, at col. 25, lines 3-6 does not show a teaching of what is recited in Claim 7. Ludwig (US Patent No. 5,758,079), at col. 25, lines 3-6, states:

However, from this description it will be apparent how a conference call may be provided for additional parties, as well as simultaneously occurring conference calls.

The foregoing passage does not teach “selecting one or more participant identifiers from at least one existing conference call,” as recited in Claim 7. Nor does the foregoing passage teach “positioning said selected participant identifiers into at least one side conference call identifier,” as recited in Claim 7. Therefore, for at least these reasons, the Office Action does not show a teaching of what is recited in Claim 7.

Furthermore, as the Applicant had stated in the second response dated January 28, 2008, the Office Action’s reference to col. 37, lines 52-57 did not show a teaching of what is recited in Claim 7. Ludwig, at col. 37, lines 52-57, states:

The Expert puts his three-party videoconference on hold (merely by clicking the HOLD button in video window 203) and accepts (via the ACCEPT button of New Call window 234) the urgent call from his boss, which results in the Expert being added to the boss' three-party videoconference call.

Applicant does not see how “clicking the HOLD button in video window 203” teaches “selecting one or more participant identifiers from at least one existing conference call,” as

recited in Claim 7. Applicant respectfully submits that a “HOLD button” is not a “participant identifier.” Therefore, Ludwig, at col. 37, lines 52-57, does not teach “selecting one or more participant identifiers from at least one existing conference call,” as recited in Claim 7. Furthermore, the foregoing passage does not teach what is recited in Claim 7, since pressing an “ACCEPT button of a New Call window 234” does not teach “positioning said selected participant identifiers into at least one side conference call identifier,” as recited in Claim 7. Therefore, for at least these reasons, Ludwig does not show a teaching of what is recited in Claim 7. Consequently, the Applicant believes that the Office Actions do not show a teaching of what is recited in Claim 7. Thus, Claim 7 and its associated dependent claims should be advanced to allowance.

### **Independent Claim 11**

Claim 11 recites “A method of configuring one or more conference calls comprising: creating conference identifiers; and grouping participant identifiers into said conference identifiers.”

The Applicant believes that the argument for Claim 11 presented in Applicant’s first response (dated August 31, 2007) had overcome the rejection to Claim 11. Consequently, the Examiner had brought up a new ground of rejection by presenting a new argument, as found on pages 11-12 of the second Office Action dated November 27, 2007. As argued in the second response (dated January 28, 2008), the Examiner’s reference to col. 19, lines 6-9 in the second Office Action does not show a teaching of what is recited in Claim 11. Ludwig, at Col. 19, lines 6-9 states:

Once the user elects to initiate a collaborative session, he or she selects one or more desired participants by, for example, clicking on that name to select the desired participant from the system rolodex or a personal rolodex, or by clicking on the quick-dial button for that participant (see, e.g., FIG. 2A).

Nowhere does Ludwig, at col. 19, lines 6-9 disclose anything about a “conference identifier” as recited in Claim 11. Instead, Ludwig discloses initiating a collaborative session by way of clicking on a “name to select the desired participant from a system rolodex or a personal rolodex.” Furthermore, the Applicant respectfully disagrees with the Examiner that “a collaborative session is considered to be a conference identifier.” Applicant respectfully submits that a collaborative session (e.g., a video conferencing session) is clearly not a “conference identifier” as recited in Claim 11 (emphasis denoted in *italics*). Applicant respectfully submits that the Office Actions have improperly characterized the term “collaborative session,” that is disclosed in Ludwig. As required by the MPEP at section 2111, the Applicant requests the Examiner to interpret Claim 11 in light of what is written in the Specification, at Figures 3 and 4, for example. Further, the Applicant requests the Examiner to review the Specification, at paragraph [34], for example, which clearly describes the term “conference identifier,” as recited in Claim 11:

Each conference call may be identified by way of a conference identifier. The conference identifier may comprise a software object that incorporates a conference call name. The conference identifier may comprise a software object that may incorporate a unique icon, logo, or other unique insignia. The graphical user interface may provide a default mode in which the first conference call identified by conference identifier #1 is provided as the audio and/or video feed...

For the foregoing reasons, the Applicant respectfully submits that the Examiner has not shown a teaching of what is recited in Claim 11. Consequently, Claim 11 should be passed to allowance.

Furthermore, the Examiner has stated that “Further in drawings there are figures of conference identifiers, figure 38 element 203, 230, 234.” On the contrary, the Applicant respectfully submits that Ludwig, at Col. 37, lines 42-43, describes element 203 of Figure 38 as a “video window.” Therefore, Ludwig does not teach “conference identifiers” as recited in Claim 11. A “video window” does not teach a “conference identifier,” as recited in Claim 11. Consequently, for this reason alone, the Examiner has not shown a teaching of the term “conference identifiers,” as recited in Claim 11.

Ludwig, at Col. 38, lines 23-25, describes element 230 of Figure 38 as follows:

He then reinitiates (by selecting deferred call indicator 230, shown in FIG. 40) his deferred call with field representative 201 and his client 202, as shown in FIG. 41.

Thus, a “deferred call indicator” does not teach “conference identifiers,” as recited in Claim 11. Consequently, for this reason alone, the Examiner has not shown a teaching of the term “conference identifiers,” as recited in Claim 11.

Ludwig discloses that element 234 is a “new call window,” which is different from a “conference identifier,” as recited in Claim 11. Therefore, for at least this reason, the Examiner has not shown a teaching of “conference identifiers,” as recited in Claim 11.

Thus, for at least the foregoing reasons, the Applicant believes that Claim 11 contains patentable subject matter. Therefore, Claim 11 and its associated dependent claims should be allowed.

### **Independent Claim 20**

Claim 20 recites “A method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers.” As he states the “Examiner once again respectfully believes Ludwig teaches the method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participants identifiers into one ore more conference identifiers.”

The Applicant believes that the argument for Claim 20 presented in Applicant’s first response (dated August 31, 2007) had overcome the rejection to Claim 20. Consequently, the Examiner had brought up a new ground of rejection by presenting a new argument, as found on page 12 of the second Office Action dated November 27, 2007. Applicant requests the Examiner to refer to Applicant’s arguments concerning Claim 11 with regard to the term “conference identifiers.” While the Examiner states that “Ludwig discloses the first way is to add one or more parties to an existing two-party call,” the Applicant respectfully submits that the method of adding a participant using an Add button (as disclosed in Figure 2A of Ludwig) is different from “pointing, clicking, and dragging participant identifiers into one or more conference identifiers,” as recited in Claim 20. Likewise, the Examiner’s statement that “to add a new party a user selects the party to be added (by clicking on the user’s rolodex name or face icon as described above),” does not show a teaching of “selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers,” as recited in Claim 20. The Applicant believes that the Examiner has characterized what is disclosed in Ludwig, in an attempt to show a teaching of what is recited in Claim 20.

The Examiner is asked to review paragraph [34] of the Specification (as referenced previously for Claim 11) to gain an understanding of the term “conference identifier,” as recited in Claim 20. Thus, for at least these reasons, the Applicant respectfully submits that the Examiner has not shown a teaching of what is recited in independent Claim 20. Consequently, the Applicant believes that Claim 20 contains patentable subject matter. Consequently, Claim 20 and its associated dependent claims should be allowed.

### **Independent Claim 1**

Claim 1 recites “A system for configuring a conference call comprising a computing device that is communicatively coupled with a server, said computing device capable of displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server.”

The Applicant believes that Applicant’s argument for Claim 1 presented in the first response dated August 31, 2007 had overcome the rejection to Claim 1. Consequently, the Examiner had brought up a new ground of rejection by presenting a new argument, as found on pages 12-13 of the second Office Action dated November 27, 2007. As the Applicant had stated in the second response (dated January 28, 2008), Examiner’s reference to col. 23, lines 11-14 in the second Office Action does not show a teaching of what is recited in Claim 23. Ludwig, at col. 23, lines 11-14 states:

After a call has been set up, AVNM clients can send requests to the AVNM to change the state of the call, which can advantageously be accomplished by controlling the callhandle states. For example, during a call, a call request from another party could arrive.

The preceding passage does not teach “a computing device that is communicatively coupled with a server, said computing device capable of *displaying, to a participant of a conference call, information regarding a status of the conference call* based on at least one communication received from said server,” as recited in Claim 1 (emphasis denoted in italics). Thus, the Applicant respectfully submits that the Examiner has not shown a teaching of each and every element recited in Claim 1. Thus, the Applicant believes that Claim 1 contains patentable subject matter, which should be passed to allowance. Consequently, the Applicant requests allowance of independent Claim 1 and its associated dependent claims.

Respectfully submitted,

Date: May 23, 2008

By:           /Roy B. Rhee/            
Roy B. Rhee  
Reg. No. 57,303

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone: (312) 775-8246  
Facsimile: (312) 775-8100